



# MEMBER PROTECTION POLICY

2017

Version 2



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## INTRODUCTION

Touch Football Australia encourages participation in our sport, in any capacity, by all members of the community – without reference to age, ability, income, education, sexual preference, race or religion.

Our commitment to provide an environment safe for children, that is free from harassment, discrimination and abuse for everyone, and promotes inclusion, respectful and positive behaviour and values.

Not only does inclusion cover the more obvious physical barriers to participation encountered by people with disabilities, it also extends to the less obvious barriers which are sometimes encountered by people due to the above mentioned factors, which are of equal, if not greater, significance.

Inclusion will only work if all stakeholders under the Touch Football Australia umbrella embrace the idea of including people of ALL AGES AND ABILITIES and move forward with the understanding that all members of the community have a role to play in the success of the organisation and sport itself.

Harassment and abuse within sport can have a devastated effect on not only individuals, but the sport itself. Therefore through our Member Protection policy we are looking to educate, communicate and support a positive environment for all of our participants.

The role that every person plays to make an organisation a success, and success should not only be measured by the results on the board, but the feel and atmosphere around the organisation.

In line with the values associated with inclusion, Touch Football Australia will make a commitment to the following principles:

- Touch Football Australia will familiarise members with our services and volunteers and

do whatever possible to help them to feel like they belong.

- When considering people's input into the association or our activities, we will focus on their abilities and not on their limitations. We will acknowledge people's skills and attributes in all areas of our operations such as playing, administrating, coaching, general assistance, organising, fundraising and supporting.
- We will acknowledge that while some people have specific needs and may require assistance in some areas of the participation (i.e. people with disabilities), their involvement in other areas of competence will not be met with unusual or extraordinary treatment. Touch Football Australia will regard every person as an active and contributing participant.

Given the importance of sport and recreation to the larger community, we agree that it is of utmost importance to Touch Football Australia that all members of the community, regardless of age, sex, race, socio-economic status, ability and geographical location have access to the range of opportunities that we provide.

All members are encouraged to read the information contained in the Play by the Rules website [www.playbytherules.net.au](http://www.playbytherules.net.au).

All critical volunteers including affiliate's committee members, Board of Management members, Touch Football Australia appointed officials and various state based sub-committee members will also be strongly encouraged to participate in and complete the online training available on that website to further assist in ensuring these values are upheld.



Colm Maguire

Chief Executive Officer – Touch Football Australia

# 01 VERSION CONTROL REGISTER

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7	1 October 2015	<ul style="list-style-type: none"> <li>• Revised and expanded Dictionary of Terms.</li> <li>• Terminology reviewed and amended throughout document reflecting input from the Australian Human Rights Commission and the Victorian Equal Opportunity and Human Rights Commission.</li> <li>• Large scale amendments to Section 6 to more accurately reflect current terminology.</li> <li>• Tribunal Processes amended.</li> </ul>	TFA Board of Management	

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9.	5 April 2016	<ul style="list-style-type: none"> <li>• <b>C1: Employment Screening Requirements (Tasmania Only) has been removed</b> it has now been superseded as of April 1 2015.</li> <li>• <b>C2: Member Protection Declaration (Tasmania Only) has been removed</b></li> <li>• C3 Working with Children requirements is now C1.</li> <li>• Attachment E4 included for Child Abuse Allegation reporting.</li> </ul>
10.	11 April 2017	<ul style="list-style-type: none"> <li>• Typographical update to D2 and D3 references.</li> <li>• Update of State Government department website links.</li> <li>• Addition of TF Tasmania Working with Children Policy</li> </ul>

### Disclaimer

The preparation of this document is in no way a commitment from Touch Football Australia to provide funds or make any other contribution now or in the future.

Touch Football Australia policies and procedures are living documents which reflect progress in administrative requirements and industry standards. As such these documents to maintain currency, policy and procedures are periodically reviewed and updated. It is important the reader ensure they are reading and using the most up to date version. To confirm the version, please contact Touch Football Australia at [www.touchfootball.com.au](http://www.touchfootball.com.au)

Touch Football Australia also welcomes suggestions or improvements to our policies and procedures, especially if a reader identifies any inaccuracies or ambiguities.

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## 1. INTRODUCTION

To develop and service the sport of Touch Football for the enjoyment of all.

## 2. PURPOSE OF POLICY

This *National Member Protection Policy* (“policy”) aims to assist Touch Football Australia (TFA) to uphold its core values and create a safe, fair and inclusive environment for everyone associated with our sport. It sets out our commitment to ensure that every person involved in our sport is treated with respect and dignity and protected from discrimination, harassment and abuse. It also ensures that everyone involved in our sport is aware of their legal and ethical rights and responsibilities, as well as the standards of behaviour expected of them.

The attachments to this policy describe the practical steps we will take to eliminate discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport. As part of this commitment, TFA will take disciplinary action against any person or organisation bound by this policy if they breach it.

This policy has been endorsed by the TFA Board of Management and has been incorporated into our By-Laws. The policy starts on 1 October 2015 and will operate until replaced.

Copies of the current policy and its attachments can be obtained from the TFA website at [www.touchfootball.com.au](http://www.touchfootball.com.au) or by contacting the TFA office on 02 6212 2800.

*This policy is supported by Affiliated bodies that have adopted and implemented this policy.*

## 3. WHO IS BOUND BY THIS POLICY

This national policy applies to the following people operating at any level of Touch Football, whether they are in a paid or unpaid/voluntary capacity:

- 3.1 persons appointed or elected to boards, committees and sub-committees;
- 3.2 employees of Touch Football Australia;
- 3.3 members of the Touch Football Australia Board of Management;
- 3.4 support personnel including managers, physiotherapists, psychologists, masseurs, sport trainers and others;
- 3.5 coaches and assistant coaches;
- 3.6 athletes;
- 3.7 referees and other officials;
- 3.8 selectors and talent identification officials;
- 3.9 members, including life members of TFA;
- 3.10 athletes, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by TFA;
- 3.11 any other person or organisation that is a member of or affiliated with TFA;
- 3.12 parents, guardians, spectators and sponsors who or which agrees in writing, whether on a ticket, entry form or otherwise, to be bound by this policy; and/ or

This policy will continue to apply to a person even after he or she has stopped their association or employment with TFA, if disciplinary action against that person has begun.

This policy also applies to the following associations:

- 3.14 member associations;
- 3.15 affiliated clubs and associated organisations;
- 3.16 any other associations, such as Coaches Association, Players Association, etc.

Affiliated associations are required to adopt and implement this policy and to provide proof to Touch Football Australia, through their State office, of the approval of the policy by the relevant board in accordance with its constitution. Affiliated associations must also undertake to ensure that individual Members are bound by this policy and are made aware of this policy and what it says.

#### **4. RESPONSIBILITIES OF THE ORGANISATION**

Touch Football Australia and affiliated associations must:

- 4.1 adopt, implement and comply with this policy;
- 4.2 ensure that this policy is enforceable;
- 4.3 publish, distribute and promote this policy and the consequences of any breaches of the policy;
- 4.4 promote and model appropriate standards of behaviour at all times;
- 4.5 deal with any complaints made under this policy in an appropriate manner;
- 4.6 deal with any breaches of this policy in an appropriate manner;
- 4.7 recognise and enforce any penalty imposed under this policy;
- 4.8 ensure that a copy of this policy is available or accessible to all persons and associations to whom this policy applies;
- 4.9 use appropriately trained people to receive and manage complaints and allegations of inappropriate behaviour e.g. Member Protection Information Officers (MPIOs);
- 4.10 monitor and review this policy at least annually.

#### **5. INDIVIDUAL RESPONSIBILITIES**

Individuals bound by this policy must:

- 5.1 make themselves aware of the policy;
- 5.2 comply with all relevant provision of the policy, including any codes of conduct and the steps for making a complaint or reporting possible child abuse set out in this policy;
- 5.3 consent to the screening requirements set out in this policy and any state/territory Working with Children Checks if the person holds or applies for a role that involves regular unsupervised contact with a child or young person under the age of 18 where otherwise required by law.
- 5.4 place the safety and welfare of children above other considerations;
- 5.5 be accountable for their behaviour;

5.6 comply with any decisions and/or disciplinary measures imposed under this policy.

## **6. POSITION STATEMENTS**

### **6.1 Child Protection**

TFA is committed to the safety and wellbeing of all children and young people who participate in our sport and access our services. We support the rights of the child and will act at all times ensure a child safe environment is maintained.

We acknowledge the valuable contribution made by our staff, members and volunteers and we acknowledge their active participation in providing a safe, fair and inclusive environment for all participants.

#### **6.1.1: Identify and Analyse Risk of Harm**

We will develop and implement a risk management strategy, which includes a review of existing child protection practices, to determine how child-safe our organisation is and to identify any additional steps we can take to minimise and prevent the risk of harm to children because of the actions of an employee, volunteer or another person.

#### **6.1.2: Develop Codes of Conduct**

We will develop and promote a code of conduct that sets out the behaviour we expect of adults when they deal and interact with children involved in our sport, especially those in our care. We will also implement a code of behaviour to promote appropriate conduct between children.

The code(s) of conduct will clearly set out professional boundaries, ethical behaviour and unacceptable behaviour. (Refer to the attachments in Part B of this policy).

#### **6.1.3: Choose Suitable Employees and Volunteers**

We will take all reasonable steps to ensure that our organisation engages suitable and appropriate people to work with children, especially those in positions that involve regular unsupervised contact with children. This will include using a range of screening measures.

We will ensure that Working with Children Checks are conducted for all employees and volunteers who work with children, where an assessment is required by law. If a criminal history report is obtained as part of their screening process, we will handle this information confidentially and in accordance with the relevant legal requirements. (Refer to the attachments in Part C of this policy.)

#### **6.1.4: Support, Train, Supervise and Enhance Performance**

We will ensure that all our employees and volunteers who work with children have ongoing supervision, support and training. Our goal is develop their skills and capacity and to enhance their performance so we can maintain a child-safe environment in our sport.

#### **6.1.5: Empower and Promote the Participation of Children**



We will encourage children and young people to be involved in developing and maintaining a child-safe environment for our sport.

#### **6.1.6: Report and Respond Appropriately To Suspected Abuse and Neglect**

We will ensure that all our employees and volunteers are able to identify and respond appropriately to children at risk of harm and that they are aware of their responsibilities under state laws to make a report if they suspect on reasonable grounds that a child has been, or is being, abused or neglected. (Refer to the attachments in Part E of this policy.)

Further, if any person believes that another person or organisation bound by this policy is acting inappropriately towards a child, or is in breach of this policy, he or she may make an internal complaint. (Refer to the attachments in Part D of this policy.)

### **6.2 Taking of Images of Children**

There is a risk that Images of children may be used inappropriately or illegally. TFA requires that individuals and associations, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child that is not their own. They should also make sure the parent/guardian understands how the image will be used.

To respect people's privacy, we do not allow camera phones, videos and cameras to be used inside changing areas, showers and toilets which we control or are used in connection with our sport.

When using a photo of a child, we will not name or identify the child or publish personal information, such as residential address, email address or telephone number, without the consent of the child's parent/guardian. We will not provide information about a child's hobbies, interests, school or the like, as this can be used by paedophiles or other persons to "groom" a child.

We will only use images of children that are relevant to our sport and we will ensure that they are suitably clothed in a manner that promotes participation in the sport. We will seek permission from the parents/guardians of the children before using the images. We require our member associations and clubs to do likewise.

### **6.3 Anti-Discrimination and Harassment**

TFA is committed to providing an environment in which people are treated fairly and equitably and that is, as far as practicable, free from all forms of discrimination and harassment.

We recognise that people may not be able to enjoy themselves or perform at their best if they are treated unfairly, discriminated against or harassed.

**6.3.1 Discrimination** Unlawful discrimination involves the less favourable treatment of a person on the basis of one or more of the personal characteristics protected by state or federal anti-discrimination laws.

The personal characteristics protected by anti-discrimination laws include attributes such as race, age, disability, gender and race. The full list of protected personal characteristics is in the "Definitions" set out in the Dictionary of Terms.

Discrimination can be either direct or indirect.

- **Direct** discrimination occurs if a person treats, or proposes to treat, a person with a protected personal characteristic unfavourably because of that personal characteristic.
- **Indirect** discrimination occurs if a person imposes, or proposes to impose, a requirement, condition or practice that will disadvantage a person with a protected personal characteristic and that requirement, condition or practice is not reasonable.

For the purposes of determining discrimination, the offender's awareness and motive are irrelevant.

### **6.3.2 Harassment**

Harassment is any unwelcome conduct, verbal or physical, that intimidates, offends or humiliates another person and which happens because a person has a certain personal characteristic protected by State or Federal anti-discrimination legislation.

The offensive behaviour does not have to take place a number of times, a single incident can constitute harassment.

Sexual harassment is one type of harassment. Sexual harassment is unwelcome conduct, remarks or innuendo of a sexual nature. It covers a wide range of behaviours and can be verbal, written, visual or physical. Sexual harassment is not limited to members of the opposite sex.

### **6.3.3 Prohibition against discrimination and harassment**

We prohibit all forms of harassment and discrimination based on the personal characteristics listed in the "Definitions" set out in the Dictionary of Terms see clause 10

Any person who believes they are being, or have been, harassed or discriminated against by another person or organisation bound by this policy is encouraged to raise their concerns with us. A person may make an internal complaint, and in some circumstances, they may also be able to make a complaint to an external organisation. (Refer to the attachments in Part D of this policy.)

## **6.4 Intimate relationships**

TFA understands that consensual intimate relationships (including, but not limited to sexual relationships) between coaches or officials and adult athletes may take place legally. However, this policy will help ensure that the expectations of coaches or officials are clear and, to ensure that if an intimate relationship does exist or develop between a coach or official and an adult athlete, that relationship will be managed in an appropriate manner.

Coaches and officials are required to conduct themselves in a professional and appropriate manner in all interactions with athletes. In particular, they must ensure that they treat athletes in a respectful and fair manner, and that they do not engage in sexual harassment, bullying, favoritism or exploitation.

We take the position that consensual intimate relationships between coaches or officials and the adult athletes they coach should be avoided as they can have harmful effects on the athlete involved, on other athletes and coaches and on the sport's publicage. These relationships can also be perceived to

be exploitative due to the differences in authority, power, maturity, status, influence and dependence between the coach or official and the athlete.

We recommend that if an athlete attempts to initiate an intimate relationship with a coach or official, the coach or official should discourage the athlete's approach and explain to the athlete why such a relationship is not appropriate.

If a consensual intimate relationship does exist or develop between an adult athlete and a coach or official, the coach or official is expected to ensure that the relationship is appropriate and that it does not compromise impartiality, professional standards or the relationship of trust the coach or official has with the athlete and/or other athletes.

In assessing the appropriateness of an intimate relationship between a coach or official and an adult athlete, relevant factors include, but are not limited to:

- the relative age and social maturity of the athlete;
- any potential vulnerability of the athlete;
- any financial and/or emotional dependence of the athlete on the coach or official;
- the ability of the coach or official to influence the progress, outcomes or progression of the athlete's performance and/or career;
- the extent of power imbalance between the athlete and coach or official; and
- the likelihood of the relationship having an adverse impact on the athlete and/or other athletes.

It will often be difficult for a coach or official involved in an intimate relationship with an adult athlete to make an objective assessment of its appropriateness and accordingly they are encouraged to seek advice from the Member Protection Information Officer or other official, to ensure that they have not involved themselves in inappropriate or unprofessional conduct.

If it is determined that an intimate relationship between a coach or official and an adult athlete is inappropriate or unprofessional we may take disciplinary action against the coach or official up to and including dismissal. Action may also be taken to stop the coaching relationship with the athlete. This could include a transfer, a request for resignation or dismissal from coaching duties.

If a coach, official or athlete believes they are being, or have been, harassed they are encouraged to seek information and support from the Member Protection Information Officer or other official. Our complaints procedure is outlined in Part D of this policy.

### **6.5 Pregnancy**

TFA is committed to treating pregnant women fairly and to removing any unreasonable barriers to their full participation in our sport. We will not tolerate any discrimination or harassment against pregnant women.

TFA will take reasonable care to ensure the continuing safety, health and wellbeing of pregnant women. We will advise pregnant women that there may be risks involved with their continuing participation in sport, and we will encourage them to obtain medical advice about those risks. Pregnant women should be aware that their own health and wellbeing, and that of their unborn child, is of utmost importance in their decision-making about the extent they choose to participate in our sport.

We encourage all pregnant women to talk with their medical advisers, make themselves aware of the facts about pregnancy in sport and ensure that they make informed decisions about their participation in our sport. Pregnant women should make these decisions themselves, in consultation with their medical advisers and in discussion with TFA

We will only require pregnant women to sign a disclaimer in relation to their participation in our sport whilst they are pregnant if all other participants are required to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

If a pregnant woman believes she is being, or has been, harassed or discriminated against by another person or organisation bound by this Policy, she may make a complaint. (Refer to the attachments in Part D of this policy.)

## **6.6 Gender identity**

Gender identity means the gender-related identity, appearance or mannerisms or other gender-related characteristics of a person. This includes the way people express or present their gender and recognises that a person's gender identity may be an identity other than male or female. Some terms used to describe a person's gender identity include trans, transgender and gender diverse.

### **6.6.1 Gender identity discrimination and harassment**

Federal, state and territory anti-discrimination laws provide protection from discrimination against people on the basis of their gender identity. (See definition in Dictionary of terms).

TFA is committed to providing a safe, fair and inclusive sporting environment all where people can contribute and participate. We will not tolerate any unlawful discrimination or harassment of a person because of their gender identity.

All persons, regardless of gender identity, are entitled to be treated fairly and with dignity and respect at all times. We will not tolerate any unlawful discrimination or harassment of a person because of their gender identity. This includes discrimination or harassment of a person who is transgender or transsexual, who is assumed to be transgender or transsexual or has an association with someone who has or is assumed to be transgender or transsexual. (Refer to the attachments in Part D of this policy.)

We expect all people bound by this policy to act with sensitivity when a person is undergoing gender transition/affirmation.

If any person believes that they are being, or have been, harassed or discriminated against by another person or organisation bound by this policy because of their gender identity, they may make a complaint.

### **6.6.2 Participation in sport**

TFA recognises that excluding people from participating in sporting events and activities because of their gender identity may have significant implications for their health, wellbeing and involvement in community life. We are committed to supporting participation in our sport on the basis of the gender with which a person identifies.

If issues of performance advantage arise, we will consider whether the established discrimination exceptions for participation in sport are relevant in the circumstances. Discrimination is unlawful unless an exception applies.

Drug testing procedures and prohibitions also apply to people who identify as transgender. A person receiving treatment involving a Prohibited Substance or Method, as described on the World Anti-Doping Agency's Prohibited List, should apply for a standard Therapeutic Use Exemption.

### **6.6.3. Intersex status**

Federal anti-discrimination law, and some state and territory anti-discrimination laws, provide protection from discrimination against a person on the basis of their intersex status. (See Dictionary of terms).

TFA is committed to providing a safe, fair and inclusive sporting environment where all people can contribute and participate. We will not tolerate any unlawful discrimination or harassment of a person because of their intersex status.

## **6.7 Responsible service and consumption of alcohol**

TFA is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol. We also recommend that state associations and member clubs follow strict guidelines regarding the service and consumption of alcohol.

In general, our policy is that:

- alcohol should not be available or consumed at sporting events involving children and young people under the age of 18;
- alcohol-free social events be provided for young people and families;
- food and low-alcohol and non-alcoholic drinks be available at events we hold or endorse where alcohol is served;
- a staff member is present at events we hold or endorse where alcohol is served to ensure appropriate practices in respect of the consumption of alcohol are followed;
- safe transport options be promoted as part of any event we hold or endorse where alcohol is served.

## **6.8 Smoke-free environment**

TFA is committed to providing a safe and healthy environment at all sporting and social events that we hold or endorse.

In general, our policy is that:

- no smoking shall occur at or near sporting events involving children and young people under the age of 18. This policy shall apply to coaches, players, trainers, officials and volunteers;
- social events shall be smoke-free, with smoking permitted at designated outdoor smoking areas; and
- coaches, officials, trainers, volunteers and players will refrain from smoking while they are involved in an official capacity in our sport, both on and off the field.

### **6.9 Bullying**

TFA is committed to providing an environment that is free from bullying. We understand that bullying has the potential to result in significant negative consequences for an individual's health and wellbeing, and we regard bullying in all forms as unacceptable in our sport.

Bullying is characterised by repeated, unreasonable behaviour directed at a person, or group of persons, that creates a risk to health and safety. Bullying behaviour is that which a reasonable person in the circumstances would expect to victimise, humiliate, undermine, threaten, degrade, offend or intimidate a person. Bullying behaviour can include actions of an individual or a group.

Whilst generally characterised by repeated behaviours, one-off instances can amount to bullying.

The following types of behaviour, where repeated or occurring as part of a pattern of behaviour, would be considered bullying:

- verbal abuse including shouting, swearing, teasing, making belittling remarks or persistent unjustified criticism;
- excluding or isolating a group or person;
- spreading malicious rumours; or
- psychological harassment such as intimidation.

Bullying includes cyber-bullying which occurs through the use of technology. New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments. TFA will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. Frustration at a referee, teammate, coach or sporting body should never be communicated on social networking websites. These issues should instead be addressed – in a written or verbal statement or a complaint – to the relevant controlling club, league or peak sporting body.

If any person believes they are being, or have been, bullied by another person or organisation bound by this policy, he or she may make a complaint. (Refer to the attachments in Part D of this policy.)

### **6.10 Social networking**

TFA acknowledges the enormous value of social networking to promote our sport and celebrate the achievements and success of the people involved in our sport.

Social networking refers to any interactive website or technology that enables people to communicate and/or share content via the internet. This includes social networking websites such as Facebook and Twitter.

We expect all people bound by this policy to conduct themselves appropriately when using social networking sites to share information related to our sport.

In particular, social media activity including, but not limited to, postings, blogs, status updates, and tweets:

- must not contain material which is, or has the potential to be, offensive, aggressive, defamatory, threatening, discriminatory, obscene, profane, harassing, embarrassing, intimidating, sexually explicit, bullying, hateful, racist, sexist or otherwise inappropriate;

- must not contain material which is inaccurate, misleading or fraudulent;
- must not contain material which is in breach of laws, court orders, undertakings or contracts;
- should respect and maintain the privacy of others; and
- should promote the sport in a positive way.

If a breach of these guidelines occur individuals will be asked to remove the post and appropriate action should be taken to report the occurrence/complaint as outlined in this policy.

## **7. COMPLAINTS PROCEDURE**

### **7.1 Handling Complaints**

TFA aims to provide a simple, confidential and trustworthy procedure for resolving complaints based on the principles of procedural fairness.

Any person (a complainant) may report a complaint about a person people or organisation bound by this policy (respondent) if they feel they have been discriminated against, harassed, bullied or there has been a breach of this policy.

In the first instance, complaints should be reported to the local State Member Protection Information Officer (MPIO) or the CEO, who may then pass onto an appropriate delegated officer.

The lowest level at which a matter can be dealt with shall always be preferred. Therefore, if a complaint relates to behaviour or an incident that occurred at the:

- local level or involves people operating at the local level, then the complaint should be reported to and handled by the relevant local in the first instance; or
- state level or involves people operating at the state level, then the complaint should be reported to and handled by the relevant state office/association in the first instance or after the local level resolution is unable to be found.

Only matters that relate to, or which occurred at, the national level and the most serious cases, or unresolved cases at the local and state level should be referred to the national body.

A complaint may be dealt with informally or formally. The complainant will usually indicate his or her preferred option unless the MPIO or delegated individual considers that the complaint falls outside this policy and would be better dealt with another way and/or the law requires the complaint/allegation to be reported to an appropriate authority.

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our procedures for handling and resolving complaints are outlined in Attachment [D1].

Individuals and organisations may also pursue their complaint externally under anti-discrimination, child protection, criminal or other relevant legislation.

### **7.2 Improper Complaints and Victimisation**

TFA aims to ensure that our complaints procedure has integrity and is free of unfair repercussions or victimisation against the person making the complaint.

We will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures can be imposed on anyone who harasses or victimises another person for making a complaint or supporting another person's complaint.

If at any point in the complaint handling process the MPIO or CEO delegated individual considers that a complainant has knowingly made an untrue complaint, or the complaint is malicious or intended to cause distress to the respondent, the matter may be referred to an independent tribunal for review and appropriate action, including possible disciplinary action against the complainant.

### **7.3 Mediation**

TFA aims to resolve complaints quickly and fairly. Complaints may be resolved by agreement between the people involved with no need for disciplinary action.

Mediation is a confidential process that allows those involved in a complaint to discuss the issues or incident in question and come up with mutually agreed solutions. It may occur before or after the investigation of a complaint.

If a complainant wishes to resolve the complaint with the help of a mediator, the CEO, or delegated individual will, in consultation with the complainant, arrange for an independent mediator where possible. We will not allow lawyers to negotiate on behalf of the complainant and/or the respondent.

More information on the mediation process is outlined in Attachment [D2]

### **7.4 Tribunals**

In accordance with TFA Disciplinary Regulations, a Tribunal may be convened to hear a formal complaint:

- Referred to it by CEO or delegated individual;
- Referred to it or escalated by a state association because of the serious nature of the complaint, or unable to be resolved at the state level, or the state policy directs it to be; and/or
- For an alleged breach of this policy.

Our Tribunal procedure is outlined in the [Touch Football Australia Disciplinary Regulations Manual](#), which is also the attachment [D4].

A respondent may lodge an appeal only to the Appeal Tribunal in respect of a Tribunal decision. The decision of the Appeal Tribunal is final and binding on the people involved. Our appeals process is outlined in [Touch Football Australia Disciplinary Regulations Manual](#). As above, is attachment [D4]

Every organisation bound by this policy will recognise and enforce any decision of a Tribunal or Appeal Tribunal under this policy.

## **8. What is a breach of this Policy**

It is a breach of this policy for any person or organisation bound by this policy to do anything contrary to this policy, including but not limited to:

- 8.1 breaching the codes of behaviour (see Part B of this policy);



- 8.2 bringing the sport and/or TFA into disrepute, or acting in a manner likely to bring the the sport and/or TFA into disrepute
- 8.3 failing to follow TFA policies (including this policy) and our procedures for the protection, safety and well-being of children;
- 8.4 discriminating against, harassing or bullying (including cyber-bullying) any person;
- 8.5 victimising another person for making or supporting a complaint;
- 8.6 engaging in an inappropriate intimate relationship with a person that he or she supervises, or has influence, authority or power over;
- 8.7 verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport;
- 8.8 disclosing to any unauthorised person or organisation any TFA information that is of a private, confidential or privileged nature;
- 8.9 making a complaint that they know to be untrue, vexatious, malicious or improper;
- 8.10 failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy; and
- 8.11 failing to comply with a direction given to the individual or organisation as part of a disciplinary process.

## **9. Disciplinary measures**

TFA may impose disciplinary measures on an individual or organisation for a breach of this policy.

Any disciplinary measure imposed will be:

- fair and reasonable;
- applied consistent with any contractual and employment rules and requirements;
- be based on the evidence and information presented and the seriousness of the breach; and
- be determined in accordance with our constituent documents, by-laws, this policy and/or the rules of the sport.

### **9.1 Individual**

Subject to contractual and employment requirements, if a finding is made by a Tribunal that an individual has breached this policy, one or more of the following forms of discipline may be imposed.

- 9.1.1 a direction that the individual make a verbal and/or written apology;
- 9.1.2 a written warning;
- 9.1.3 a direction that the individual attend counselling to address their behaviour;
- 9.1.4 a withdrawal of any awards, scholarships, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by TFA
- 9.1.5 a demotion or transfer of the individual to another location, role or activity;

- 9.1.6 a suspension of the individual's membership or participation or engagement in a role or activity;
- 9.1.7 termination of the individual's membership, appointment or engagement;
- 9.1.8 a recommendation that TFA terminate the individual's membership, appointment or engagement;
- 9.1.9 in the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a period of time or permanently;
- 9.1.10 a fine;
- 9.1.11 any other form of discipline that the Organisation considers appropriate.

## **9.2 Organisation**

If a finding is made that TFA has breached its own or this Member Protection Policy, one or more of the following forms of discipline may be imposed by Tribunal

- 9.2.1 a written warning;
- 9.2.2 a fine;
- 9.2.3 a direction that any rights, privileges and benefits provided to that organisation by the national body or other peak association be suspended for a specified period;
- 9.2.4 a direction that any funding granted or given to it by the TFA cease from a specified date;
- 9.2.5 a direction that the TFA cease to sanction events held by or under the auspices of that organisation;
- 9.2.6 a recommendation to TFA that its membership of the TFA be suspended or terminated in accordance with the relevant constitution or rules;
- 9.2.7 any other form of discipline that the national body or peak organisation considers reasonable and appropriate.

## **9.3 Factors to consider**

The form of discipline to be imposed on an individual or organisation will depend on factors, such as:

- the nature and seriousness of the breach
- if the person knew, or should have known, that the behaviour was a breach of the policy
- the person's level of contrition
- the effect of the proposed disciplinary measures on the person, including any personal, professional or financial consequences
- if there have been any relevant prior warnings or disciplinary action
- the ability to enforce disciplinary measures if the person is a parent or spectator (even if they are bound by the policy)
- any other mitigating circumstances.

## 10. Dictionary of terms

This Dictionary sets out the meaning of words used in this policy and its attachments, without limiting the ordinary and natural meaning of the words. Further detail or definitions that are specific to different states and territories can be sourced from the relevant child protection authorities or equal opportunity and anti-discrimination commissions.

**Abuse** is the violation of an individual's human or civil rights through the act or actions of another person or persons. Types of abuse include physical abuse, psychological or emotional abuse, sexual abuse, constraints and restrictive practices, financial abuse, legal or civil abuse and systemic abuse.

**Affiliated club** means a local entity that conducts and/or administers Touch Football competitions and which is a Member of the Association as described under **clauses 12 and 15** of the TFA Constitution.

**Child** means a person who is under the age of 18.

**Child abuse** involves conduct which puts a child at risk of harm and may include:

- **physical abuse**, which occurs when a child has suffered, or is at risk of suffering, non-accidental physical trauma or injury. This may include, but is not limited to, hitting, shaking or other physical harm; giving a child alcohol or drugs; or training that exceeds the child's development or maturity.
- **sexual abuse**, which occurs when an adult, other child, or adolescent uses their power or authority to involve a child in a sexual activity or any other inappropriate conduct of a sexual nature (e.g. sexual intercourse, masturbation, oral sex, pornography, including child pornography, or inappropriate touching or conversations).
- **emotional abuse**, which occurs when a child's social, emotional, cognitive or intellectual development is impaired or threatened. Emotional abuse can include, but is not limited to, emotional deprivation due to persistent rejection or criticism, hostility, teasing/bullying, humiliation, taunting, sarcasm, yelling, name-calling or placing unrealistic expectations on a child.
- **neglect**, which occurs when a child's basic necessities of life are not met and their health and development are affected. Basic needs include food, water, shelter, adequate clothing, personal hygiene, timely provision of medical treatment and adequate supervision.

**Complaint** means a complaint made under clause [7] of this policy

**Complainant** means the person making a complaint.

**Complaint handler/manager** means the person appointed under this policy to investigate a complaint.

**Discrimination** occurs when someone is treated (or is proposed to be treated) unfairly or less favourably than another person in the same or similar circumstances because of one of the personal characteristics covered by anti-discrimination laws. This is known as direct discrimination. Indirect discrimination occurs when there is (or is proposed) an unreasonable requirement, condition or practice that seems to treat everyone equally, but which has or is likely to have the effect of disadvantaging persons with a personal characteristic covered by anti-discrimination laws.

In Australia, it is against the law to discriminate against someone because of:

- age
- sex or gender
- gender identity

- intersex status
- race, colour, descent, national or ethnic origin, nationality, ethno-religious origin, immigration
- disability, mental and physical impairment
- family/carer responsibilities, status as a parent or carer
- marital status
- pregnancy, potential pregnancy, breastfeeding
- sexual orientation and gender identity
- physical features
- irrelevant medical record
- irrelevant criminal record, spent convictions
- political beliefs or activities
- religion, religious beliefs or activities
- national extraction or social origin
- lawful sexual activity
- profession, trade, occupation or calling
- member of association or organisation of employees or employers, industrial activity, trade union activity
- defence service
- personal association with someone who has, or is assumed to have, any of the above characteristics

Examples of discrimination are available on the Play by the Rules website:

[www.playbytherules.net.au/legal-stuff/discrimination](http://www.playbytherules.net.au/legal-stuff/discrimination)

Some exceptions to state, territory and federal anti-discrimination law apply, including exceptions for sporting activities, such as:

- holding a competitive sporting activity for a specific age or age group (e.g. only those who are under the age of 15 years);
- excluding people on the basis of their 'excluding people on the basis of their sex and/or gender identity status from participation in a competitive sporting activity where the strength, stamina or physique of competitors is relevant to the specific activity (note that this does not apply to activity by children who are under the age of 12 years); and
- not selecting a participant if the person's disability means he or she is not reasonably capable of performing the actions reasonably required for that particular sporting activity.

**Harassment** is any type of unwelcome behaviour which has the effect of offending, humiliating or intimidating the person harassed. Unlawful harassment can be based on any of the personal characteristics covered by anti-discrimination law, such as a person's race, sex, pregnancy, marital status or sexual orientation (see the list under "Discrimination").

Public acts of racial hatred which are reasonably likely to offend, insult, humiliate or intimidate are also prohibited. This applies to spectators, participants or any other person who engages in such an act in public. Some states and territories also prohibit public acts that vilify people on other grounds such as homosexuality, gender identity, HIV/AIDS, religion and disability (see also "Vilification").

**Member** means a member for the time being of the Association under clause 12 of the TFA Constitution.

**Member Protection Information Officer (MPIO)** means a person appointed by us to be the first point of contact for a person reporting an issue or a complaint under, or a breach of, this policy.

**Procedural fairness** requires that:

- the respondent knows the full details of what is being said against him or her and they have the opportunity to respond;
- no person may judge their own case; and
- the decision-maker(s) must be unbiased, fair and just.

**Police check** means a national criminal history record check conducted as a pre-employment, pre-engagement or current employment background check on a person.

**Policy, policy and this policy** means this Member Protection Policy.

**Respondent** means the person whose behaviour is the subject of the complaint.

**Role-specific codes of conduct (or behaviour)** means standards of conduct required of people holding certain roles in our organisation (e.g. coaches, officials, umpires).

**Sexual harassment** means unwelcome behaviour of a sexual nature which could reasonably be expected to make a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwelcome physical contact, verbal comments, jokes, propositions, displays of pornographic or offensive material or other behaviour that creates a sexually hostile environment. Sexual harassment does not have to be intentional.

**Sexual offence** means a criminal offence involving sexual activity or acts of indecency. Because of differences under state and territory laws, this can include but is not limited to:

- rape
- indecent assault
- sexual assault
- assault with intent to commit sexual acts
- incest
- sexual penetration of child under the age of 16 years
- indecent act with child under the age of 16 years
- sexual relationship with child under the age of 16 years
- sexual offences against people with impaired mental functioning
- abduction and detention
- procuring sexual penetration by threats or fraud
- procuring sexual penetration of child under the age of 16 years
- bestiality
- soliciting a child under the age of 16 years to take part in an act of sexual penetration, or an indecent act
- promoting or engaging in acts of child prostitution
- obtaining benefits from child prostitution

- possession of child pornography
- publishing child pornography and indecent articles.

**Transgender** ‘Transgender’ is an umbrella term that refers to a person whose gender identity is different to their physical sex as recorded at birth. Transitioning refers to the process where a transgender person commences living as a member of another sex. This is sometimes referred to as the person ‘affirming’ their gender because transitioning means they start living in what they identify as their true gender. For people who are transitioning/affirming their gender, having their identity fully recognised in all areas of life is a crucial part of the experience of living as their affirmed gender.

**Sexual orientation:** The term ‘sexual orientation’ refers to a person’s emotional or sexual attraction to another person, including, amongst others, the following identities: heterosexual, gay, lesbian, bisexual, pansexual, asexual or same-sex attracted.

**Gender identity:** The term ‘gender identity’ refers to a person’s deeply held internal and individual sense of gender.

**Gender expression:** The term ‘gender expression’ refers to the way in which a person externally expresses their gender or how they are perceived by others.

**Intersex:** The term ‘intersex’ refers to people who have genetic, hormonal or physical characteristics that are not exclusively ‘male’ or ‘female’. A person who is intersex may identify as male, female, intersex or as being of indeterminate sex.

**Victimisation** means treating someone unfairly or unfavorably, or threatening to do so, because that person has, or intends to, pursue their right to make any complaint, including a complaint under government legislation (e.g. anti-discrimination legislation) or under this policy, or for supporting another person to make complaint.

**Vilification** means behaviour that occurs in public which incites hatred towards, serious contempt for, or revulsion or severe ridicule of a person or group of people because that person or persons have a



particular personal characteristic. Anti-discrimination laws in Australia make it unlawful to vilify a person or group of persons on the basis of race, religion, homosexuality, transgender status and HIV/AIDS status

The Touch Football Australia Code of Conduct reflects our support and implementation of the sport industry principles and values outlined in the Australian Sports Commission's **The Essence of Australian Sport** –principles of fairness, respect, responsibility and safety. This Code aims to ensure our core values, good reputation and positive behaviours and attitudes are maintained and that everyone involved in our sport is aware of his or her legal and ethical rights and responsibilities.

This Code of Conduct has been endorsed by the TFA Board of Management and members of TFA and it may be amended from time to time by the TFA Board of Management or members of TFA. Copies of the Code can be obtained from our website [www.touchfootball.com.au](http://www.touchfootball.com.au) or from TFA by contacting 02 6212 2800.

**This Code of Conduct applies to all individuals and entities involved with Touch Football Australia. The Core Code must be observed by all without exception. The role specific Supplement Codes are to be applied as additional requirements to the Core Code to be observed by individuals performing the state tasks.**

#### **The Core Code**

- operate within the rules, policies, regulations, by-laws and spirit of our sport, promoting fair play over winning at any cost
- encourage and support opportunities for people to learn appropriate behaviours and skills
- support opportunities for participation in all aspects of Touch Football
- treat each person as an individual
- display control and courtesy to all involved with our sport
- respect the rights and worth of every person regardless of their gender, ability, cultural background or religion
- respect the decisions of officials, coaches and administrators in the conduct of our sport
- wherever practical, avoid unaccompanied and unobserved one-on-one activity (when in a supervisory capacity or where a power imbalance will exist) with people under the age of 18 years
- adopt appropriate and responsible behaviour in all interactions, including online activity
- adopt responsible behaviour in relation to alcohol and other drugs
- ensure your decisions and actions contribute to a harassment free environment
- do not tolerate harmful or abusive behaviours
- take reasonable care for his or her own health and safety, and ensure that his or her acts or omissions do not adversely affect the health and safety of others
- act in good faith in the best interests of TFA, act with integrity and objectivity, demonstrate accountability and take responsibility for your actions; do not engage in activities that may bring yourself or TFA into disrepute
- act fairly and impartially, avoid bias, discrimination, caprice or self-interest
- use information appropriately, ensure information gained as a volunteer, coach, official etc, is only applied to proper purposes and is kept confidential
- comply with the *Copyright Act (1968)*, in reference to TFA resources, materials, and works



**Volunteers Code**

- use volunteer positions appropriately, do not use the position as an important volunteer to seek an undue advantage for yourself, family members or associates, or to cause detriment to TFA; ensure that volunteers decline gifts or favours that may cast doubt on your ability to apply independent judgement
- avoid real or apparent conflicts of interest
- act in a financially responsible manner
- exercise due care, diligence and skill, ascertain all relevant information, make reasonable enquiries, and understand the financial, strategic and other implications of decisions
- demonstrate leadership and stewardship, promote and support the application of TFA's structure and values
- comply with the TFA Constitution and all legislative and regulatory requirements for the position
- ensure adequate protection of Touch Football Australia's intellectual property

**Athletes Code**

- give your best at all times
- participate for your own enjoyment and benefit
- refrain from any behaviour that may bring TFA, a member association or an affiliated club into disrepute
- exhibit exemplary sportsmanship at all times

**Coaches Code**

- place the safety and welfare of athletes above all else
- Be aware of and support the sport's injury management plans and return to play guidelines
- help each person (athlete, official etc) reach their potential - respect the talent, developmental stage and goals of each person and compliment and encourage with positive and supportive feedback
- promote respect for the ability of your opponents, referees and all officials
- any physical contact with a person should be appropriate to the situation and necessary for the person's skill development
- commit to providing a quality service to your athletes
- embrace your position as a positive role model for your sport and athletes
- be honest and do not allow your qualifications to be misrepresented
- obtain appropriate qualifications and keep up-to-date with the latest coaching practices and the principles of growth and development of participants

**Officials Code**

- place the safety and welfare of the athletes above all else

- commit to providing a quality service to participants
- be consistent and impartial when making decisions
- address unsporting behaviour and promote respect for all people
- avoid any situation which may lead to a conflict in interest
- obtain appropriate qualifications and keep up-to-date with the latest refereeing practices and the principles of growth and development of participants

**Administrators Code**

- act honestly, in good faith and in the best interests of the sport as a whole
- ensure that any information acquired or advantage gained from the position is not used improperly
- conduct your responsibilities with due care, competence and diligence
- do not allow prejudice, conflict of interest or bias to affect your objectivity

**Parents Code**

- encourage children to participate and have fun
- provide a model of good sportsmanship for your child to copy
- focus on the child's effort and performance rather than winning or losing
- never ridicule or yell at a child for making a mistake or losing a competition

**Spectators Code**

- respect the performances and efforts of all people
- reject the use of violence in any form, whether it is by spectators, coaches, officials or athletes

**Touch Football Australia has implemented a Responsibility Code, with is an educational tool that summaries this Code of Conduct, this can be found at [www.touchfootball.com.au](http://www.touchfootball.com.au)**

## 04 PART C: EMPLOYMENT SCREENING/WORKING WITH CHILDREN CHECK REQUIREMENTS

We are committed to providing a safe environment for children. As part of this, we will recruit staff and volunteers who do not pose a risk to children.

Employment screening and Working with Children Checks can involve criminal history checks, signed declarations, referee checks and other appropriate checks that assess a person's suitability to work with children and young people.

Working with Children Check laws are currently in place in New South Wales, Queensland, Western Australia, Victoria, the Northern Territory, Tasmania, the Australian Capital Territory, and South Australia.

TFA, including our state associations and clubs, will meet the requirements of the relevant state or territory Working with Children Check laws.

Individuals travelling with children and young people to another state or territory in a work-related capacity must comply with the screening requirements of that particular state or territory.

### ATTACHMENTS

- Attachment C1: Working with Children Check requirements

## 04 PART C: EMPLOYMENT SCREENING/WORKING WITH CHILDREN CHECK REQUIREMENTS

### Attachment C1: WORKING WITH CHILDREN CHECK REQUIREMENTS

Working with Children Checks aim to create a child-safe environment and to protect children and young people involved in our sport from physical and sexual harm.

They assess the suitability of people to work with children and young people and can involve:

- criminal history checks;
- signed declarations;
- referee checks; and
- other relevant background checks to assess a person's suitability to work with children and young people.

Working with Children Check requirements vary across Australia. [Fact Sheets](#) for each state and territory are available on the Play by the Rules website: [www.playbytherules.net](http://www.playbytherules.net)

Detailed information, including the forms required to complete a Working with Children Check, are available from the relevant agencies in each state and territory.

#### Australian Capital Territory

Contact the Office of Regulatory Services

Website: [www.ors.act.gov.au/community/working\\_with\\_vulnerable\\_people\\_wvwv](http://www.ors.act.gov.au/community/working_with_vulnerable_people_wvwv)

Phone: 02 6207 3000

#### New South Wales

Contact the Office of the Children's Guardian

Website: [www.kidsguardian.nsw.gov.au/check](http://www.kidsguardian.nsw.gov.au/check)

Phone: 02 9286 7276

#### Northern Territory

Contact the Northern Territory Screening Authority

Website: [www.workingwithchildren.nt.gov.au](http://www.workingwithchildren.nt.gov.au)

Phone: 1800 SAFE NT (1800 723 368)

#### Queensland

Contact the Queensland Government "Blue Card" services

Website: <https://www.bluecard.qld.gov.au/>

Phone: 1800 113 611

#### South Australia

Contact the Department for Education and Child Development for information

Website: [www.decd.sa.gov.au/child-protection/child-safe-environments](http://www.decd.sa.gov.au/child-protection/child-safe-environments)

Phone : 08 8463 6468.

National Police Check: [www.police.sa.gov.au/services-and-events/apply-for-a-police-record-check](http://www.police.sa.gov.au/services-and-events/apply-for-a-police-record-check)

DCSI Child Related Work Screening: <http://www.dcsi.sa.gov.au/services/screening>

#### Tasmania

Contact the Department of Justice for information

Website: [www.justice.tas.gov.au/working\\_with\\_children](http://www.justice.tas.gov.au/working_with_children)

Phone: 1300 13 55 13

## 04 PART C: EMPLOYMENT SCREENING/WORKING WITH CHILDREN CHECK REQUIREMENTS

### **Victoria**

Contact the Department of Justice

Website: [www.workingwithchildren.vic.gov.au](http://www.workingwithchildren.vic.gov.au)

Phone: 1300 652 879

### **Western Australia**

Contact the Department for Child Protection

Website: [www.checkwwc.wa.gov.au](http://www.checkwwc.wa.gov.au)

Phone: 1800 883 979

### **Travelling to other states or territories**

It is important to remember that when travelling to other states or territories, representatives of sporting organisations must comply with the legislative requirements of that particular state or territory.

In certain jurisdictions, temporary, time limited exemptions from working with children checks may be available for interstate visitors with a Working with Children Check in their home state.

The laws providing interstate exemptions are not consistent across Australia.

If an employee or volunteer for your organisation is travelling interstate to do work that would normally require a working for children check, you will need to check the relevant requirements of that state or territory.

## 04 PART C: EMPLOYMENT SCREENING/WORKING WITH CHILDREN CHECK REQUIREMENTS

### Attachment C2: TOUCH FOOTBALL TASMANIA WORKING WITH CHILDREN POLICY– ADDITIONAL REQUIREMENTS

#### Overview

This policy has been developed by Touch Football Australia with assistance from Communities, Sport and Recreation and the Department of Justice.

The purpose policy is to provide Touch Football Tasmania clubs with information on the registration requirements for people wishing to work or volunteer with children in Tasmania. It does not replace the requirements or obligations as specified within the relevant legislation or the Touch Football Australia (TFA) Member Protection Policy however, it is intended to support clubs through implementation.

Working with Children Registration aims to reduce the potential for sexual, physical, psychological, emotional or financial harm or neglect of children in Tasmania.

People from Touch Football clubs and associations in Tasmania must hold current registration to participate in activities like coaching, team management and committee membership. This requirement is consistent for all organisations that primarily involve the participation of children.

Working with Children Registration provides a minimum screening process for people working or volunteering in these organisations. The legislation requires registration for some important roles within child related organisations, but importantly allows organisations to adjust the screening requirements to suit their organisation.

There are several exemptions under the legislation regarding situations where people engaged in regulated activities need not apply. These exemptions can be overridden if, after assessment of the risk of harm to children, an organisation determines that it wants these roles to be included in their screening regime.

**Importantly – responsibility for screening rests with the incorporated body – so your club is liable if there are people operating under your banner; that should be registered but have not been screened and do not hold a current registration.**

See ‘Fact sheet: Exemptions from Registration’ at the Working with Children Registration website: [www.justice.tas.gov.au/\\_\\_data/assets/pdf\\_file/0007/284362/Exemptions\\_from\\_Registration.pdf](http://www.justice.tas.gov.au/__data/assets/pdf_file/0007/284362/Exemptions_from_Registration.pdf).

Applications are commenced online at [www.justice.tas.gov.au/working\\_with\\_children](http://www.justice.tas.gov.au/working_with_children). A fact sheet on exemptions from registration is available on the Working with Children website [www.justice.tas.gov.au/\\_\\_data/assets/pdf\\_file/0007/284362/Exemptions\\_from\\_Registration.pdf](http://www.justice.tas.gov.au/__data/assets/pdf_file/0007/284362/Exemptions_from_Registration.pdf).

#### Who must apply for Working with Children Registration?

##### *Scope*

This Working with Children Policy for Tasmania is applicable to all its members, non-member participants, volunteers and employees at all times during their participation in activities conducted by Touch Football Tasmania and its affiliated clubs. Activity is defined as a cultural, recreational, sporting, community activity or service provided primarily for children by a sporting club, association or state body.

## 04 PART C: EMPLOYMENT SCREENING/WORKING WITH CHILDREN CHECK REQUIREMENTS

### ***Mandatory Registration***

Touch Football Tasmania will ensure that all persons required to be registered under the Act, or in positions deemed by Touch Football Tasmania to be registered, complete their registration prior to commencing their child-related activities.

*Specifically, the law requires the following persons involved in Touch Football (State and Club Level) to be registered:*

- Touch Football Tasmania advisory panel members and employees
- Board members of clubs with junior programs
- State/Club Junior Development Coordinators
- Coaches working primarily with children
- State team officials, managers, chaperones
- Referees and Referee Coaches
- Camp/junior development program coaches/volunteers
- Member Protection Information Officers

### ***Optional Registration***

*Registration is optional for the following persons involved in Touch Football, however clubs can enforce registration of these persons if they deem registration is necessary.*

- Ground Controllers
- Registration officers
- Photographers

### ***People who should NOT apply***

- Children under 16 years of age

### **Touch Football Tasmania and its affiliated clubs will complete the following procedures:**

1. Each club will appoint a Member Protection Information Officer.
2. All people within Touch Football Tasmania and affiliated clubs will be advised of the legislation and their requirements for registration. New members, other participants, and parents will be informed of Touch Football Tasmania's Working with Children guide to Implementing Policy through the TFA Member Protection Policy. The Policy will be communicated through Touch Football Tasmania's website and social media.
3. Maintain a record of people who have completed their Working with Children registration that includes registration currency dates.

We will deal with all complaints in a fair, timely and transparent manner. All complaints will be treated seriously.

We will provide individuals with an informal and formal process to resolve the matter, along with access to an external complaint handling body, based on the nature of the complaint and our rules and regulations.

We also provide an appeals process for those matters.

We will maintain confidentiality where possible and as provided in this policy and seek to ensure that no one is victimised for making, supporting or providing information about a complaint.

#### **ATTACHMENTS**

- Attachment D1: Complaints procedure
- Attachment D2. Investigation procedure
- Attachment D3. Mediation
- Attachment D4. Tribunal procedure - [TFA Disciplinary Regulations Manual](#)



**Attachment D1: COMPLAINTS PROCEDURE**

TFA aims to support people associated with our sport to make and resolve any complaints they may have in a fair, timely and effective way.

**We will keep all complaints confidential.** We will not provide information about the complaint to another person without the complainant's consent, except if the law requires us disclose this information or if it is necessary to properly resolve the complaint.

To ensure **fairness for everyone involved**, we will provide the full details of the complaint to the person or people against whom the complaint has been made and ask for their response. As a result, it may be difficult for us to resolve complaints made anonymously.

We will provide **informal and formal procedures** to resolve complaints. Individuals and organisations can also **complain to external organisations** under anti-discrimination, child protection and other relevant laws.

**1. INFORMAL APPROACHES****Step 1: Talk with the other person** (if safe, reasonable and appropriate)

If you feel confident to do so, you can approach the other person to discuss the issues and try and resolve the problem directly.

**Step 2: Contact a Member Protection Information Officer**

We encourage you to talk with one of our Member Protection Information Officers (MPIOs) if:

- the first step is not possible or reasonable
- you are not sure how to handle the problem by yourself
- you want to talk confidentially with someone and find out what options are available to resolve the problem, or
- the problem continues after you approached the other person.

The names and contact details for our MPIOs are available at [www.touchfootball.com.au](http://www.touchfootball.com.au)

The MPIO will:

- take confidential notes about your complaint
- try to find out the facts of your complaint, however it is not the MPIO role to mediate or investigate complaints
- ask how you would like the problem to be resolved and if you need support
- provide different options for you to resolve the problem
- act as a support person, if you wish

- refer you to an appropriate person (e.g. a mediator) to help you resolve the problem, if necessary
- inform the relevant government authorities and/or police, if required by law to do so
- maintain confidentiality.

### **Step 3: Decide how to resolve the problem**

After talking with the MPIO, you may decide:

- there is no problem
- the problem is minor and you do not wish to take the matter forward
- to try and resolve the problem yourself, with or without a support person
- to resolve the problem with the help of someone impartial, such as a mediator
- to resolve the matter through a formal process.

## **2. FORMAL APPROACHES**

### **Step 4: Making a formal complaint**

If it is not possible or appropriate to resolve your complaint through an informal process, you may:

- make a formal complaint in writing to the CEO, or
- approach a relevant external agency, such as an anti-discrimination or equal opportunity commission, for advice.

After receiving a formal complaint, and based on the material you provide, the CEO or their delegated individual will decide whether:

- he or she is the most appropriate person to receive and handle the complaint
- the nature and seriousness of the complaint requires a formal resolution procedure
- to refer the complaint to **mediation**
- to appoint a person to **investigate** the complaint
- to refer the complaint to a **tribunal hearing**
- to refer the matter to the **police or other appropriate authority**, and/or
- to implement any interim arrangements that will apply until the complaint process is completed.

In making this decision, the CEO/delegated individual will take into account:

- whether he or she has had any personal involvement in the circumstances and if someone else should handle the complaint
- your wishes, and the wishes of the respondent, regarding how the complaint should be handled

- the relationship between you and the respondent (e.g. an actual or perceived power imbalance between you and the respondent)
- whether the facts of the complaint are in dispute
- the urgency of the complaint, including the possibility that you might face further unacceptable behaviour while the complaint process is underway.

If the CEO/delegated individual is the appropriate person to handle the complaint, he or she will, if these steps are necessary:

- refer the complaint to the relevant local or state level to resolve in the first instance
- provide the information received from you to the other person(s) involved and ask for their side of the story
- decide if there is enough information to determine whether the matter alleged in your complaint did or didn't happen, and/or
- determine what, if any, further action to take, including disciplinary action in accordance with this policy.

#### **Step 5: Investigating the complaint**

In some cases, an investigation may be required to determine the facts surrounding the complaint. Our investigations procedure is outlined in *[Attachment D2]*.

Following the investigation, a written report will be provided to CEO or delegated individual who will determine what further action to take.

- If the complaint is referred to **mediation**, we will follow the steps outlined in *[Attachment D3]* or as agreed by you, the respondent and the mediator.
- If the complaint is referred to a **tribunal hearing**, the hearing will be conducted according to the steps outlined in *[Attachment D4]*.
- If the complaint is referred to the **police or another external agency**, we will endeavor to provide all reasonable assistance required by the police or the agency.

#### **Step 6: Reconsidering a complaint or appealing a decision**

If mediation is unable to resolve the matter, you may request that the CEO/delegated individual reconsider the complaint in accordance with Step 3.

You or the respondent(s) may also appeal a decision made by at a tribunal hearing. The grounds and process for appeals are set out in *[Attachment D4]*.

#### **Step 7: Documenting the resolution**

The CEO/delegated individual will record the complaint, the steps taken to resolve it and the final outcome. This information will be stored in a confidential and secure place. If the complaint was dealt with at the state/local level, the information will be stored by the state office/association. If the matter is of a serious nature, or if it was dealt with at the national level, the original document will be stored by TFA and a copy stored by the state office/association.

**3. APPROACHING EXTERNAL ORGANISATIONS**

If you feel that you have been harassed or discriminated against, you can seek advice from your state or territory anti-discrimination or equal opportunity commission. There is no obligation to make a formal complaint. However, if the commission advises you that the issues appear to be within its jurisdiction, you may choose to lodge a formal complaint with the commission.

Once a complaint is received by the commission, it will investigate the matter. If it appears that unlawful harassment or discrimination has occurred, the commission will attempt to conciliate the complaint on a confidential basis. If this fails, or if it is not appropriate, the complaint may go to a formal hearing. The tribunal will make a finding and decide what action, if any, will be taken. This could include an apology or financial compensation for distress, lost earnings or medical and counselling expenses incurred.

If you do lodge a complaint with the commission, an appropriate person from our organisation (e.g. an MPIO) will be available to support you during the process.

**Contact details for the state and territory anti-discrimination and equal opportunity commissions** are available on the Play by the Rules website:

<http://www.playbytherules.net.au/resources/quick-reference-guide>.

Serious incidents, such as assault or sexual assault, should be reported to the police.

**Attachment D2: INVESTIGATION PROCESS**

There will be times when a complaint will need to be investigated and evidence gathered.

An investigation helps determine the facts relating to the incident, as well as possible findings and recommendations.

Any investigation that we conduct will be fair to all people involved.

If we decide that a complaint should be investigated, we will follow the steps outlined below.

1. We will provide a written brief to the investigator that sets out the terms of engagement and his or her roles and responsibilities. The investigator will:
  - interview the complainant and record the interview in writing
  - provide full details of the complaint to the respondent(s) so that they can respond
  - interview the respondent(s) to allow them to answer the complaint and record the interview in writing
  - obtain statements from witnesses and collect other relevant evidence, if there is a dispute over the facts
  - make a finding as to whether the complaint is:
    - **substantiated** (there is sufficient evidence to support the complaint)
    - **inconclusive** (there is insufficient evidence either way)
    - **unsubstantiated** (there is sufficient evidence to show that the complaint is unfounded)
    - **mischievous, vexatious or knowingly untrue.**
  - provide a report to CEO or delegated individual documenting the complaint, the investigation process, the evidence, the finding(s) and, if requested, any recommendations.
2. We will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points that are substantiated, inconclusive, unsubstantiated and/or mischievous.
3. The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person or adviser (e.g.MPIO).
4. The complainant and the respondent(s) may have the right to appeal any decision based on the investigation. Information on our appeals process is in *[Attachment D4]*.

**Attachment D3: MEDIATION**

Mediation is a process that allows the people involved in a complaint to talk through the issues with an impartial person – the mediator – and work out a mutually agreeable solution.

The mediator does not decide who is right or wrong and does not tell either side what they must do. Instead, he or she helps those involved to talk through the issues and makes sure that the process is as fair as possible for all concerned.

Our approach to mediation follows the steps set out below.

1. The CEO or delegated individual will appoint a mediator to help resolve the complaint. This will be done under the direction of TFA and in consultation with the complainant and the respondent(s).
2. The mediator will talk with the complainant and respondent(s) about how the mediation will take place and who will participate. At a minimum, the mediator will prepare an agenda of issues to be discussed.
3. All issues raised during mediation will be treated confidentially. We also respect the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.
4. If the complaint is resolved by mediation, the mediator will prepare a document that sets out the agreement that has been reached. This agreement will be signed by the complainant and the respondent(s). We expect the parties involved to respect the terms of the agreement.
5. If the complaint is not resolved by mediation, the complainant may:
  - write to CEO or delegated individual to request that the CEO or delegated individual to reconsider the complaint in accordance with **Step 3**
  - approach an external agency, such as an anti-discrimination or equal opportunity commission, to resolve the matter.

We recognise that there are some **situations where mediation will not be appropriate**, including:

- when the people involved have completely different versions of the incident
- when one or both parties are unwilling to attempt mediation
- when the issues raised are sensitive in nature
- when there is a real or perceived power imbalance between the people involved
- matters that involve serious, proven allegations.

## Attachment D4: TRIBUNAL PROCEDURES – TFA DISCIPLINARY REGULATIONS MANUAL

The [TFA Disciplinary Regulations Manual](#) outlines, for Touch Football, the foundation of how unacceptable conduct is managed within the sport. It can be found on the link above or on the TFA website [www.touchfootball.com.au](http://www.touchfootball.com.au).

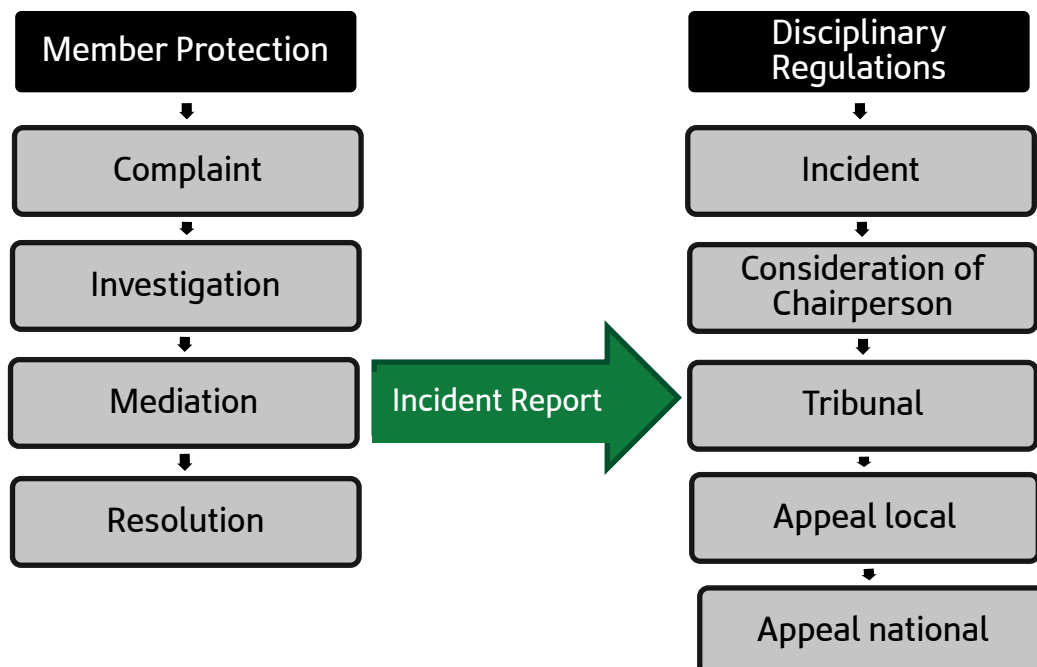
In the instance that a tribunal is conducted, a case moves entirely into the TFA Disciplinary Regulations through the provision of an incident report being lodged to the relevant (local, state or national level) TFA Authority. The incident report should outline all relevant information of the Member Protection complaint, investigation and mediation process. This concludes the Member Protection Policy process with a full transfer into the Disciplinary Regulations system and sequence.

The TFA Authority in this instance, with a transfer into the Disciplinary Regulations must conduct a full tribunal hearing, in accordance with the specified procedures outlined within the Regulations and associated timelines.

The Disciplinary Regulations timelines commence with the completion and lodgement of an incident report, similarly if this is an event context then condensed timelines may be initiated as per the Conditions of Entry of the event.

In accordance with the Regulations, the tribunal processes allows for an initial tribunal hearing, local level appeal and a national level appeal.

This process is reflected in the simple diagram below.



## 06 PART E: REPORTING REQUIREMENTS AND DOCUMENTS/FORMS

TFA will ensure that all the complaints we receive, both formal and informal, are properly documented. This includes recording how the complaint was resolved and the outcome of the complaint.

This information, and any additional records and notes, will be treated confidentially (subject to disclosure required by law or permitted under this policy) and stored in a secure place.

We will treat any allegation of child abuse or neglect promptly, seriously and with a high degree of sensitivity.

We will ensure that everyone who works with our organisation in a paid or unpaid capacity understands how to appropriately receive and record allegations of child abuse and neglect and how to report those allegations to the relevant authorities in their state or territory.

### ATTACHMENTS

- Attachment E1: Record of informal complaint
- Attachment E2: Record of formal complaint
- Attachment E3: Handling an allegation of child abuse
- Attachment E4: Confidential record of child abuse allegation





# 06 PART E: REPORTING REQUIREMENTS AND DOCUMENTS/FORMS

## Attachment E2: RECORD OF FORMAL COMPLAINT

Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	Date Formal Complaint Received: / /
Complainant's contact details	Phone: Email:	
Complainant's role/position	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other .....
Name of person complained about (respondent)	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Respondent's role/position	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other .....
Location/event of alleged incident		
Description of alleged incident		
Nature of complaint (category/basis/grounds)  Tick more than one box if necessary	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching methods <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimization <input type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision <input type="checkbox"/> Other .....	
Methods (if any) of attempted informal resolution		

# 06 PART E: REPORTING REQUIREMENTS AND DOCUMENTS/FORMS

Formal resolution procedures followed (outline)	
If investigated:	Finding
If heard by Tribunal:	Decision  Action recommended
If mediated:	Date of mediation:  Both/all parties present  Agreement  Any other action taken
If decision was appealed	Decision  Action recommended
Resolution	<input type="checkbox"/> Less than 3 months to resolve <input type="checkbox"/> Between 3 – 8 months to resolve <input type="checkbox"/> More than 8 months to resolve
Completed by	Name: Position: Signature: <span style="float: right;">Date / /</span>
Signed by:	Complainant:  Respondent:

**This record and any notes must be kept confidential and secure.** If the complaint is of a serious nature, or if it is taken to and/or dealt with at the national level, the original record must be provided to TFA and a copy kept with the organisation where the complaint was first made.

## 06 PART E: REPORTING REQUIREMENTS AND DOCUMENTS/FORMS

### Attachment E3: PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE

**If you believe a child is in immediate danger or a life-threatening situation, contact the Police immediately on 000.**

Fact sheets on reporting allegations of child abuse in different states and territories are available at [www.playbytherules.net.au](http://www.playbytherules.net.au)

We will treat any allegation of child abuse or neglect promptly, seriously and with a high degree of sensitivity.

All people working with TFA in a paid or unpaid capacity have a duty to report any concerns to the appropriate authorities, following the steps outlined below.

#### Step 1: Receive the allegation

If a child or young person raises with you an allegation of child abuse or neglect that relates to them or to another child, it is important that you listen, stay calm and be supportive.

Do	Don't
Make sure you are clear about what the child has told you	Do not challenge or undermine the child
Reassure the child that what has occurred is not his or her fault	Do not seek detailed information, ask leading questions or offer an opinion.
Explain that other people may need to be told in order to stop what is happening.	Do not discuss the details with any person other than those detailed in these procedures.
Promptly and accurately record the discussion in writing.	Do not contact the alleged offender.

#### Step 2: Report the allegation

- Immediately report any allegation of child abuse or neglect, or any situation involving a child at risk of harm, to the police and/or the relevant child protection agency. You may need to make a report to both.
- Contact the relevant child protection agency or police for advice if there is **any** doubt about whether the allegation should be reported.
- If the allegation involves a person to whom this policy applies, then also report the allegation to the CEO of TFA so that he or she can manage the situation.

## 06 PART E: REPORTING REQUIREMENTS AND DOCUMENTS/FORMS

### Step 3: Protect the child and manage the situation

- The CEO or delegated individual will assess the immediate risks to the child and take interim steps to ensure the child's safety and the safety of any other children. This may include redeploying the alleged offender to a position where there is no unsupervised contact with children, supervising the alleged offender or removing/suspending him or her until any investigations have been concluded. Legal advice should be sought before any interim steps are made if the person is an employee of TFA.
- The CEO or delegated individual will consider what services may be most appropriate to support the child and his or her parent/s.
- The CEO or delegated individual will consider what support services may be appropriate for the alleged offender.
- The CEO or delegated individual will seek to put in place measures to protect the child and the alleged offender from possible victimisation and gossip.

### Step 4: Take internal action

- At least three different investigations could be undertaken to examine allegations that are made against a person to whom this policy applies, including:
  - a criminal investigation (conducted by the police)
  - a child protection investigation (conducted by the relevant child protection agency)
  - a disciplinary or misconduct inquiry/investigation (conducted by TFA).
- TFA will assess the allegations and determine what action should be taken in the circumstances. Depending on the situation, action may include considering whether the alleged offender should return to his or her position, be dismissed, banned or suspended or face other disciplinary action.
- If disciplinary action is undertaken, we will follow the procedures set out in [Clause 9] of our Member Protection Policy.
- Where required we will provide the relevant government agency with a report of any disciplinary action we take.
- **Contact details for advice or to report an allegation of child abuse**

Australian Capital Territory	
ACT Police Non-urgent police assistance Ph: 131 444 <a href="http://www.afp.gov.au">www.afp.gov.au</a>	Office for Children, Youth and Family Services <a href="http://www.communityservices.act.gov.au/ocyfs">www.communityservices.act.gov.au/ocyfs</a> Ph: 1300 556 729
New South Wales	
New South Wales Police Non-urgent police assistance Ph: 131 444 <a href="http://www.police.nsw.gov.au">www.police.nsw.gov.au</a>	Department of Family and Community Services <a href="http://www.community.nsw.gov.au">www.community.nsw.gov.au</a> Ph: 132 111

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<b>Northern Territory</b>	
Northern Territory Police Non-urgent police assistance Ph: 131 444 <a href="http://www.pfes.nt.gov.au">www.pfes.nt.gov.au</a>	Department of Children and Families <a href="http://www.childrenandfamilies.nt.gov.au">www.childrenandfamilies.nt.gov.au</a> Ph: 1800 700 250
<b>Queensland</b>	
Queensland Police Non-urgent police assistance Ph: 131 444 <a href="http://www.police.qld.gov.au">www.police.qld.gov.au</a>	Department of Communities, Child Safety and Disability Services <a href="http://www.communities.qld.gov.au/childsafety">www.communities.qld.gov.au/childsafety</a> Ph: 1800 811 810
<b>South Australia</b>	
South Australia Police Non-urgent police assistance Ph: 131 444 <a href="http://www.sapolice.sa.gov.au">www.sapolice.sa.gov.au</a>	Department for Education and Child Development <a href="http://www.decd.sa.gov.au/child-protection/child-safe-environments">www.decd.sa.gov.au/child-protection/child-safe-environments</a> Ph: 131 478
<b>Tasmania</b>	
Tasmania Police Non-urgent police assistance Ph: 131 444 <a href="http://www.police.tas.gov.au">www.police.tas.gov.au</a>	Department of Health and Human Services <a href="http://www.dhhs.tas.gov.au/children">www.dhhs.tas.gov.au/children</a> Ph: 1300 737 639
<b>Victoria</b>	
Victoria Police Non-urgent police assistance Ph: (03) 9247 6666 <a href="http://www.police.vic.gov.au">www.police.vic.gov.au</a>	Department of Human Services <a href="http://www.dhs.vic.gov.au">www.dhs.vic.gov.au</a> Ph: 131 278
<b>Western Australia</b>	
Western Australia Police Non-urgent police assistance Ph: 131 444 <a href="http://www.police.wa.gov.au">www.police.wa.gov.au</a>	Department for Child Protection and Family Support <a href="http://www.dcp.wa.gov.au">www.dcp.wa.gov.au</a> Ph: (08) 9222 2555 or 1800 622 258

# 06 PART E: REPORTING REQUIREMENTS AND DOCUMENTS/FORMS

## Attachment E4: CONFIDENTIAL RECORD OF CHILD ABUSE

Before completing this form, please ensure that the steps outlined in Attachment D4 have been followed and advice has been sought from the police and/or the relevant child protection agency.

Complainant's name (if other than the child)		Date Formal Complaint Received: / /
Role/status in sport		
Child's name		Age
Child's address		
Person's reason for suspecting abuse (eg observation, injury, disclosure)		
Name of person complained about		
Role/status in sport	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official                                      .....	
Witnesses (if more than three witness, attach details to this form)	Name (1): Contact details: Name (2): Contact details: Name (3): Contact details:	
Interim action taken (if any)		
Police contacted	Who: When: Advice provided:	

# 06 PART E: REPORTING REQUIREMENTS AND DOCUMENTS/FORMS

Child protection agency contacted	Who: When: Advice provided:
CEO contacted	Who: When:
Police investigation (if any)	Finding
Child protection agency investigation (if any)	Finding:
Internal investigation (if any)	Finding:
Action taken	
Completed By	Name: Position: Signature: <span style="float: right;">Date: / /</span>
Signed by	Complainant (if not a child)

**This record and any notes must be kept in a confidential and safe place.** If required, they should be provided to the police and/or the relevant child protection agency.



